

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
BALTIMORE DIVISION

IN RE:

ERNEST L. MYLES

Debtor(s)

* * * * *

MARYLAND DEPARTMENT OF LABOR

Plaintiff

v.

ERNEST L. MYLES

Defendant

* * * * *

*
* Case No. 19-15368-RAG
* (Chapter 13)
*
*
*
*
* Adversary
* Proceeding No. 19-279
*

REQUEST FOR ENTRY OF DEFAULT BY CLERK

Plaintiff Maryland Department of Labor,¹ ("DOL", formerly known as DLLR) by its undersigned attorney, Orbie R. Shively, pursuant to Federal Rule of Civil Procedure 55 and Federal Rule of Bankruptcy Procedure 7055, hereby requests that the Clerk enter a DEFAULT against Defendant Ernest L. Myles ("Defendant") in the above-captioned adversary proceeding, and for reasons states:

1. On July 23, 2019, the Clerk issued a Summons and Notice of Pre-Trial Conference (Pl. 3). On the next day, July 9, 2019, Defendant was served by first class mail, postage prepaid with a copy of the Summons and Notice of Pre-Trial Conference and a copy of the Complaint To Determine Dischargeability of Debt. See Affidavit of Summons Service (Pl. 4).

¹ DLLR changed its name to the Maryland Department of Labor effective July 1, 2019.

2. Pursuant to Federal Rule of Civil Procedure 55, Federal Rule of Bankruptcy Procedure 7055 and the terms of the Summons and Notice of Pre-Trial Conference, Defendant was required to file an answer or other responsive pleading within thirty (30) days of the issuance of the summons, by August 22, 2019.

3. More than thirty (30) days have elapsed since the date on which the Summons and Notice of Pre-Trial Conference was issued and Defendant was promptly served with said Summons and a copy of the Complaint To Determine Dischargeability of Debt. As of the date of this request, Defendant has failed to file an answer or otherwise responsively plead.

4. Accordingly, an entry of default against Defendant is appropriate pursuant to Federal Rule of Civil Procedure 55 and Federal Rule of Bankruptcy Procedure 7055.

I solemnly swear and affirm under the penalties of perjury that the contents of the foregoing Request For Entry of Default By Clerk are true and correct.

Dated: August 23, 2019

/s/ Orbie R. Shively
Orbie R. Shively (Fed. Bar No. 04461)
Maryland Department of Labor
1100 North Eutaw Street, Rm. 522
Baltimore, MD 21201
(Ph.) (410) 767-4366/Fx. (410) 333-5059
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of August, 2019 a copy of the foregoing Request For Entry of Default By Clerk was mailed first class, postage prepaid to:

Ernest L. Myles
316 Tollgate Road
Owings Mills, MD 21117

Jeffrey P. Nesson, Esq.
11421 Reisterstown Road
Owings Mills, MD 21117

U.S. Trustee
Garmatz Federal Courthouse
101 W. Lombard St., Rm. 2625
Baltimore, MD 21201

/s/ Orbie R. Shively
Orbie R. Shively